IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

LA.App..No. 735 of 2003()

LAR.137/1999 of SUB COURT, PAYYANNUR
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APPELLANT: PETITIONER:

SMT. KAVILE VEETTIL KUNHI PARVATHI AMMA,
RAMANTHALI P.O., VIA. PAYYANNUR,
KANNUR DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT: RESPONDENT:

THE SPECIAL TAHSILDAR (L.A),
KANNUR.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

LA.A.No.735 of 2003-C

Dated: September 26, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in LAR No.137/1999. The grievance is on the refusal to re-determine the land value on the basis of the value given in LAR No.186/1987 acquired for the very same purpose. The property covered by LAR 186/1987 is claimed to be garden land whereas according to the classification by the land acquisition officer, it is only "other dry land". However, going by the report of the advocate commissioner it is seen that there were 20 coconut trees and 15 miscellaneous trees aged about 20 years in the acquired land. The commissioner also reported that there were sandalwood trees and rosewood trees in the acquired property of the appellant. If that be so, this property is also liable to be treated as garden land. Since it is settled law that the claimant is entitled to have the re-determination value, and since it is not disputed that the appellant has relied on the judgment in LAR No.186/1987 acquired for the very same purpose, we find no reason to decline the request of the appellant. It is brought to our notice that the value in LAR No.186/1987 has been re-fixed at Rs.823/- per cent. But, it is seen that for the purpose of this appeal, the appellant has limited the total value to Rs.30,000/- for the entire 99 cents. Therefore, we allow the appeal in view of the judgment in LAA No.40/1990. The appellant shall

be entitled to additional compensation to the tune of Rs.30,000/- (thirty thousand only). The appellant is also entitled to all other eligible statutory benefits.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.735 of 2003

JUDGMENT

26.9.2007